IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.3663 OF 2005

M/s.Ruby Mills Limited & Anr. : Petitioners

(Orig. Deft. Nos.1 & 2)

V/s.

Shri Prakash Pandurang Thakur & Ors. : Respondents

(No.1 to 48 Orig.Pltffs.,

No.49 Orig. Deft. No.3)

...

Mr.M.D.Angal for the petitioners.

Mr.V.D.Deshmukh for the respondents.

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CORAM : S.A. BOBDE, J.

July 13, 2005.

P.C.:

1. The petitioners have challenged the order dated 28.2.2005 passed by the Joint Civil Judge, Junior Division, Kalyan, by which he allowed the impleadment of the respondent nos.50 to 62 as defendants in the suit. The suit has been filed by the respondent nos.1 to 49 against the petitioners, inter alia, for an injunction restraining the petitioners from disturbing their possession. The petitioners claim to be the purchasers of

the suit property. The newly added defendants applied to the Court on the ground that they have derived title from one Dharma Chango and are in possession of the suit land as tenants prior to 1.4.1957.

2. Mr.Angal, learned counsel for the petitioners, submitted that it was not necessary for the said persons to be joined as parties since they claim an interest which is in common with the interest claimed by the original plaintiffs. This is not entirely correct. The respondent nos.1 to 48-plaintiffs claim to be owners by adverse possession whereas the newly added defendants claim to be in possession as tenants prior to 1.4.1957. I am in agreement with the learned Joint Civil Judge, Junior Division, that the impleadment of the respondent nos.50 to 62 is necessary to avoid multiplicity of proceedings. There is no merit in the petition which is hereby dismissed.

3. Mr.Angal further submitted that the trial Court had been directed by the appellate Court to decide the suit within nine months. This period has expired long ago. In the circumstances, the trial Court is directed to dispose of the suit within a period of six months from the next date before the trial Court.

Sd/-

S.A. BOBDE, J.